

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CORMACK MEDICAL, INC.  
Plaintiff

v.

HAND INNOVATIONS, INC. and  
HAND INNOVATIONS, LLC  
Defendants

Civil Action No. 04-12613 (RGS)

**[PROPOSED] JOINT STATEMENT AND SCHEDULING**  
**I ORDER PURSUANT TO FED. R. CIV. P. 26(f) AND LOCAL RULE**  
**16.1 ORDER PURSUANT TO FED. R. CIV. P. 26(f) AND LOCAL RULE 16.1**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1, representatives of Plaintiff

Cormack Medical, Inc. and Defendant Hand Innovations, Inc. and Hand Innovations, LLC.

conferred via telephone on April 28, 2005. These meetings were attended by:

For Plaintiff: Mitchell A. Kramer  
Kramer & Kramer, LLP  
1077 Rydal Road, Suite 100  
Rydal, PA 19046  
(215) 887-9030

Barbara H. Kramer  
Kramer & Kramer, LLP  
24 Frank Lloyd Wright Drive, Lobby E  
Ann Arbor, MI 48105  
(734) 930-5452

For Defendant: Mark W. Batten  
Eben A. Krim  
Proskauer Rose LLP  
One International Place  
22<sup>nd</sup> Floor  
Boston, MA 02110

(617) 526-9624

The parties hereby submit the following Joint Statement in connection with the Scheduling Conference to be held on May 17, 2005.

1. Matters to be Discussed at Conference. The parties will appear prepared to discuss the following issues, with Barbara Kramer appearing via telephone:

- a A proposed pretrial schedule for the case that includes the plan for discovery and deadlines;
- b Anticipated dispositive and pretrial motions;
- c Alternative Dispute Resolution; and
- d Settlement.

2. Schedule for Discovery.

Set forth below by the parties is their jointly proposed schedule for discovery, the filing of dispositive motions, and trial. Plaintiff has already served requests for production and admission, and interrogatories.

<u>EVENT</u>	<u>DATE</u>
Amendments to pleadings	May 21, 2005
Automatic Disclosures	Pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2 must be served by May 31, 2005.
Close of fact discovery including depositions and written discovery (with discovery responses to be served sufficiently in advance of deadline to be responded to by deadline).	December 2, 2005
Plaintiff's identification of expert witnesses and disclosure information pursuant to Fed. R. Civ. P. 26(b)	January 13, 2006

Defendant's identification of expert witnesses and disclosure information pursuant to Fed. R. Civ. P. 26(b)	February 24, 2006
Close of expert discovery	March 17, 2006
Dispositive motions	March 31, 2006
Settlement conference	To be determined by Court
Final pretrial conference	To be determined by Court
Trial	To be determined by Court

3. Discovery Limits. The parties have agreed to jointly propose that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(C). Each party shall reserve its right to seek by motion additional discovery, with good cause shown.

4. Settlement. Pursuant to Local Rule 16.1(C), Plaintiff tendered its written settlement proposal to Defendant on May 3, 2005. Defendant will be prepared to respond to this settlement proposal on or before May 17, 2005.

5. Trial by Magistrate Judge. The parties are not prepared to consent to trial by a Magistrate Judge.

6. Budget and Alternative Dispute Resolution. Counsel for all parties have conferred with their respective clients concerning establishing a budget for litigation and the use of Alternative Dispute Resolution ("ADR"). At this juncture, the parties are not interested in

ADR. The parties agree to consider mediation or arbitration on an ongoing basis as an option for the resolution of this matter. The parties have attached their certifications required pursuant to Local Rule 16.1(D)(3).

7. Modification of Schedule. All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion to the Court for good cause shown.

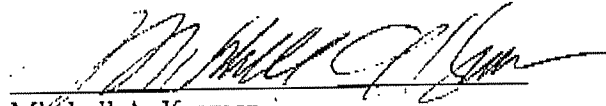
8. Service on Opposing Counsel. Service of any pleadings, notices, motions, memoranda, or other papers shall be effected: (1) by hand; (2) by overnight courier; or (3) by fax or regular mail.

Dated: Boston, Massachusetts  
~~April~~, 2005  
May 10

Respectfully submitted,

Cormack Medical, Inc.

By its attorneys,



Mitchell A. Kramer  
Kramer & Kramer, LLP  
1077 Rydal Road, Suite 100  
Rydal, PA 19046  
(215) 887-9030

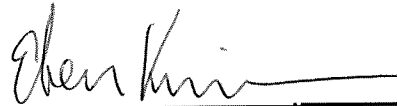
Barbara H. Kramer  
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24 Frank Lloyd Wright Drive, Lobby E  
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L. Seth Stadfeld (BBO # 514875)  
Ronald E. Harding (BBO # 641007)  
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Boston, MA 02109  
(617) 742-9310

Respectfully submitted,

Hand Innovations, Inc.  
Hand Innovations, LLC

By its attorneys,



Mark W. Batten  
Eben A. Krim  
Proskauer Rose LLP  
One International Place  
22<sup>nd</sup> Floor  
Boston, MA 02110  
(617) 526-9624

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CORMACK MEDICAL, INC.

Plaintiff,

v.

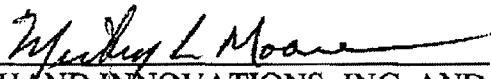
HAND INNOVATIONS, INC. and  
HAND INNOVATIONS, LLC,


Defendants.

Civ. No. 04-12613 (RGS)

**CERTIFICATION**

Pursuant to Local Rule 16.1(D)(3), the undersigned hereby certify and affirm that they have conferred with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of the above litigation and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

  
HAND INNOVATIONS, INC. AND  
HAND INNOVATIONS LLC.  
BY: MICKEY MOORE  
TITLE: *Chief Financial Officer*

  
Mark W. Batten (BBO No. 566211)  
Eben A. Krim (BBO No. 652506)  
PROSKAUER ROSE LLP  
One International Place, 22nd Floor  
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Tel: (617) 526-9850  
Fax: (617) 526-9899

Dated: May 9, 2005

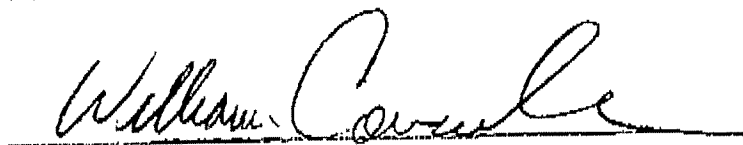
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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	)	
HAND INNOVATIONS, INC. and	)	
HAND INNOVATIONS, LLC	)	
	)	
Defendants	)	
_____	)	

LOCAL RULE 16.1(d)(3) CERTIFICATION

Mitchell A. Kramer, attorney for plaintiff, Cormack Medical, Inc., and William Cormack, President of Cormack Medical, Inc., submit this certification pursuant to Local Rule 16.1(d)(3). We have conferred on establishing a budget for the costs of conducting the full course and various alternative courses of the litigation in this matter. We have also conferred to consider the resolution of this litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4. However, at this juncture, the parties are not interested in submitting the matter for resolution through ADR. The parties agree to consider mediation or arbitration on an ongoing basis as an option for the resolution of this matter.

  
MITCHELL A. KRAMER

  
WILLIAM CORMACK